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Assistant Commissioner for Patents  
Washington, D.C. 20231

On: August 2, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Roberta A. Zard

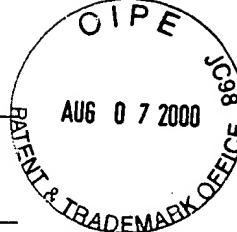
PATENT  
Attorney Docket No.: 12046A-010500US

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HANS BOEHRINGER et al.

Application No.: 08/812,616

Filed: March 6, 1997

For: QUANTITATIVE LATERAL FLOW  
ASSAYS AND DEVICES

Examiner: C. Chin

Art Unit: 1641

REQUEST FOR STATUS OF  
APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

We respectfully request an update concerning the status of the instant application in view of the following information. A Continued Prosecution Application was filed with the United States Patent and Trademark Office on January 21, 1999 for the application. On January 3, 2000, we filed a Supplemental Information Disclosure Statement and Preliminary Amendment, in which claims 2, 3, 24-52, 54-55, 64 and 82-119 were canceled without prejudice, and claims 1, 8, 10, 15, 23, 53, 56-63, 65-71, 73-81 and 120 were amended. As evidenced by a copy of the Preliminary Amendment postcard, the Amendment was received by the PTO on January 6, 2000. (Copies enclosed.) We then received a Final Office Action, mailed on February 23, 2000, which repeated the Examiner's rejections from the Final Office Action of the parent application.

The undersigned telephoned Examiner Chin on March 2, 2000 to inquire about the issuance of the Final Office Action, since we had filed a Preliminary Amendment. Examiner Chin stated that he had not received the Preliminary Amendment or Supplemental Information Disclosure Statement, and requested that we fax him a copy of the documents. Examiner Chin stated that he would withdraw the Final Office Action upon receipt of the Preliminary

Amendment. A copy of the Supplemental IDS and Preliminary Amendment were faxed to Examiner Chin on March 2, 2000. A copy of the Facsimile Cover Sheet and confirmation page are attached.

On March 28, 2000, the undersigned called Examiner Chin and left a voicemail message inquiring about the status of the application and the withdrawal of the Final Office Action. On March 29, 2000, Examiner Chin left the undersigned a voicemail message stating that he did not receive the Preliminary Amendment that was faxed and requested that we resend it. On that same day, we resent the facsimile and the undersigned's assistant called Examiner Chin to inform him that the fax had been sent so that he could personally pick it up and asked that he call to confirm that he had received all of the pages. A copy of the Facsimile Cover Sheet and confirmation page are attached. We did not hear back from the Examiner for several hours and called again to confirm receipt of the facsimile. We were told by Examiner Chin that when he arrived at the fax machine, the facsimile was not there and that he would "track it down." We again asked that he call to confirm receipt of the facsimile, but were told that he would only call if he were unable to locate the facsimile.

On May 1, 2000, the undersigned called Examiner Chin to inquire about the status of the Office Action. Examiner Chin stated that he was working on it and that a withdrawal of the final rejection would be mailed by the end of the week. We have not received any papers from the Patent Office as of this date.

On June 14, 2000, we again telephoned Examiner Chin to check on the status of the withdrawal. We were told by Examiner Chin that he thought he had sent out an action but that he would have to check the file. We asked that he call to confirm that the withdrawal had in fact been sent, but we have not received any confirmation and have not received a new Office Action.

On June 15, 2000, the undersigned called Examiner Chin's supervisor, Examiner Housel, and left a voicemail requesting that he call to discuss this matter. We did not receive a response. On June 19, 2000, the undersigned left voicemail messages with both Examiner Chin and Examiner Housel, requesting that they call to discuss the status of the application. Examiner Housel's assistant called and stated that Examiner Housel was investigating the

matter. We have not received any further communication from Examiner Housel or Examiner Chin.

On July 11, 2000, the undersigned again left a voicemail with Examiner Housel regarding the status of the application. We are still awaiting a response to our inquiries.

The Final Office Action is now in the three-month extension time period, and the final date for submitting a response is August 23, 2000. Applicants respectfully request that the Final Office Action be withdrawn immediately and that an Office Action responsive to the Preliminary Amendment filed on January 3, 2000 be issued.

In light of these facts, please provide us with the current status of this application. If a telephone call would expedite this matter, please call the undersigned at the below telephone number.

Respectfully submitted,



Karen B. Dow  
Reg. No. 29,684

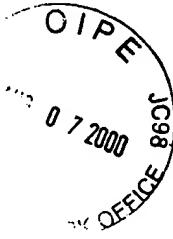
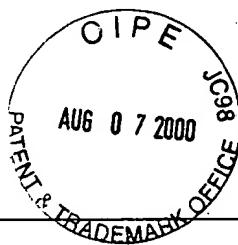
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-2400, Ext. 5217  
Fax: (650) 326-2422  
KBD:ray

Enclosures:

1. Copy of January 3, 2000 Preliminary Amendment, Transmittal Letter, and return receipt postcard as stamped by the PTO mailroom (29 pp.);
2. Copy of January 3, 2000 Supplemental IDS and PTO Form 1449 (reference not enclosed), and return receipt postcard as stamped by the PTO mailroom (4 pp.);
3. Copy of March 2, 2000 Facsimile Cover Sheet and confirmation page (2 pp.); and
4. Copy of March 29, 2000 Facsimile Cover Sheet and confirmation page (2 pp.).

cc: Examiner Housel (w/ enclosures)

TOWNSEND  
and  
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and  
CREW  
LLP



Denver, Colorado  
Phone: 303-571-4000

Palo Alto:

San Francisco, California  
Phone: 415.576-0200

379 Lytton Avenue  
Palo Alto,  
California 94301-1431  
Phone: 650-326-2400  
Fax: 650-326-2422

Seattle, Washington  
Phone: 206-467-9600

## FACSIMILE COVER SHEET

Date: March 2, 2000	Client Number: 12046A-010500US	No. Pages (including this one): 44
To: Examiner Chin U.S. Patent and Trademark Office		At Fax Number: (703) 308-4242
		Confirmation Phone Number: (703) 308-3991
From: Karen B. Dow (5217)		

### Message:

In re application of: Hans Boehringer et al.  
Application No.: 08/812,616  
Filed: March 6, 1997  
For: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES

Per our conversation, attached please find a duplicate copy of the Preliminary Amendment and Supplemental Information Disclosure Statement mailed on January 3, 2000. Please review and then please withdraw the Final Office Action of February 23, 2000.

Thank you.

Faxed:	Return To: Roberta A. Yard (5247)
If you have problems with reception please call Fax Services at extension 5565	

Imp rtant

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and/or exempt from disclosure by applicable law or court order. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

\* \* \* COMMUNICATION RESULT REPORT ( MAR. 2. 2000 11:55AM ) \* \* \*

TTI TTC PALO ALTO

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
7287 MEMORY TX		*##67983#17033084242	OK	44/44



REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWER

E-2) BUSY  
E-4) NO FACSIMILE CONNECTION

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Denver, Colorado  
Phone: 303-571-4000

## Palo Alto:

**379 Lytton Avenue  
Palo Alto,  
California 94301-1431  
Phone: 650-326-2400  
Fax: 650-326-2422**

## **FACSIMILE COVER SHEET**

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<b>From:</b>  Karen B. Dow (5217)		
<b>Message:</b>		
In re application of: Hans Boehringer et al. Application No.: 08/812,616		

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Message:  In re application of: Hans Boehringer et al. Application No.: 08/812,616 Filed: March 6, 1997 For: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES		
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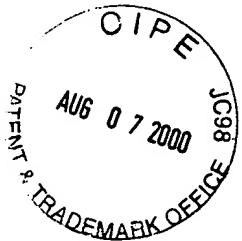
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## \* \* \* COMMUNICATION RESULT REPORT ( MAR. 29. 2000 9:30AM ) \* \* \*

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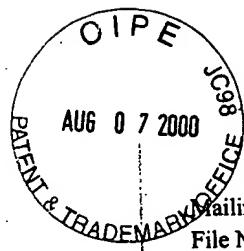
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Denver, Colorado Phone: 303-571-4000	Palo Alto: 379 Lytton Avenue Palo Alto, California 94301-1431 Phone: 650-326-2400 Fax: 650-326-2422
San Francisco, California Phone: 415-576-0200	
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		Confirmation Phone Number: (703) 308-3991
From: Karen B. Dow (5217)		
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In re application of: Hans Boehringer et al. Application No.: 08/812,616 Filed: March 6, 1997		



FILING ACKNOWLEDGMENT

Mailing Date: 3 January 2000 Application No. 08/812,616  
File No.: 12046A-010500US Filed: March 6, 1997  
Inventor(s): Hans Boehringer et al.  
Title: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES

Enclosures:

- Transmittal in triplicate (1 page each) and
- Preliminary Amendment (27 pages)

KGB/ksj

Please stamp the date of receipt of the enclosed documents and return this card to addressee

FILING ACKNOWLEDGMENT

Mailing Date: 3 January 2000 Application No. 08/812,616  
File No.: 12046A-010500US Filed: March 6, 1997  
Inventor(s): Hans Boehringer et al.  
Title: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES

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TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
(415) 576-0200

Amendment

Attorney Docket No. 2046A010500US

In re application of: Hans Boehringer et al.

Application No.: 08/812,616

Filed: March 6, 1997

Group Art Unit: 1641

For: QUANTITATIVE LATERAL FLOW ASSAYS AND  
DEVICES

THE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [ ] Enclosed is a petition to extend time to respond.  
[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.  
[ ]

If any extension of time is needed, then this response should be considered a petition therefor.  
The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 52	MINUS	** 100	= 0
INDEP.	* 12	MINUS	*** 8	= 4
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY

RATE	ADDIT. FEE
x \$9.00 =	\$0.00
x \$39.00 =	\$156.00
+ \$130.00 =	
TOTAL ADDIT. FEE	\$156.00

OTHER THAN  
SMALL ENTITY

RATE	ADDIT. FEE
x \$18.00 =	
x \$78.00 =	
+ \$260.00 =	
OR	TOTAL

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, then write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- [ ] No fee is due.

Please charge Deposit Account No. 20-1430 as follows:

- [ X ] Claims fee \$ 156.00  
[ X ] Any additional fees associated with this paper or during the pendency of this application.

2 extra copies of this sheet are enclosed.

TOWNSEND and TOWNSEND and CREW LLP

*Krishna G. Banerjee*

Krishna G. Banerjee, Reg. No. 43,317  
Attorneys for Applicant